

रजिस्टर नं० पी०/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 5 नवम्बर, 1979/14 कातिक, 1901

हिमाचल प्रदेश सरकार

विधान सभा सचिवालय

अधिसूचना

शिमला-171004, 2 नवम्बर, 1979

संख्या 1-67/79-वि० स०.—हिमाचल प्रदेश प्रक्रिया एवं कार्य संचालन नियमानुसार 1973 के नियम 135 के अन्तर्गत दि हिमाचल प्रदेश शैड्यल्ड कास्टस डिवैल्पमैन्ट कार्पोरेशन (अमैण्डमैन्ट) बिल, 1979 (बिल नं० 32 आफ 1979) जो हिमाचल प्रदेश

विधान सभा में ३१ अक्टूबर, १९७९ को पुरः स्थापित किया गया है, सर्व साधारण की सूचनार्थी राजपत्र में मुद्रित करने के लिए प्रेषित किया जाता है।

सुरेन्द्र प्रकाश,
सचिव।

Bill No. 32 of 1979.

THE HIMACHAL PRADESH SCHEDULED CASTES
DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1979

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to amend the Himachal Pradesh Scheduled Castes Development Corporation Act, 1979 (Act No. 20 of 1979).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Scheduled Castes Development Corporation (Amendment) Act, 1979.

Short title
and com-
mencement.

(2) It shall and shall always be deemed to have come into force on the 20th day of September, 1979.

2. In section 2 of the Himachal Pradesh Scheduled Castes Development Corporation Act, 1979 (hereinafter called the principal Act),—

Amendment
of section 2.

(a) after clause (a) the following (aa) shall be inserted, namely:—

“(aa) ‘bank’ means,—

- (i) a banking company as defined in the Banking Regulation Act, 1949,
- (ii) the State Bank of India constituted under the State Bank of India Act, 1955,
- (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959,
- (iv) a Regional Rural Bank established under the Regional Rural Banks Act, 1976,
- (v) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970,
- (vi) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949,
- (vii) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963,
- (viii) the Agro-Industries Corporation as defined in clause (c) of section 2 of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972,
- (ix) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956, and
- (x) any other financial institution notified by the State Government in the Official Gazette as bank for the purposes of this Act;”;

(b) for the existing clause (d) the following clause (d) shall be substituted, namely:—

“(d) ‘Chairman’ and ‘Vice-Chairman’ means the Chairman and the Vice-Chairman of the Corporation;”; and

(c) in clause (f) after the word “chairman” but before the sign “;” the words “and the vice-chairman” shall be inserted.

Amendment
of section 7.

3. In section 7 of the principal Act,—

(a) for the existing sub-section (1), the following sub-section (1) shall be substituted, namely:—

“(1) The Board shall consist of twelve directors who shall be nominated by the State Government:

Provided that not less than two directors shall be nominated from amongst the officers serving the State Government in the Department of Welfare and the remaining shall be nominated from amongst persons who have special knowledge of industries, handicrafts, animal husbandry, agriculture, agro-industries, water development projects, finance, co-operation or financial institutions:

Provided further that not less than two directors shall be non-official, belonging to scheduled caste communities.”;

(b) after the existing sub-section (2) the following proviso shall be added, namely:—

“Provided that if it is expedient so to do the State Government may nominate any of the directors to be the vice-chairman of the Board and he shall perform such duties and exercise such powers as may be assigned to him or conferred upon him, as the case may be, by the Board under sub-section (2) of section 15 of the Act.”;

(b) in sub-section (3) after the word “director” but before the word “due” the words “or the vice-chairman” shall be inserted; and

(c) in sub-section (4) after the word “directors” but before the word “and” the words “and the vice-chairman” shall be inserted.

Amendment
of section 8.

4. In section 8 of the principal Act after the words “other than” but before the words “the managing director” the words “the chairman and” shall be inserted.

Amendment
of section 12.

5. In section 12 of the principal Act,—

(a) for the existing sub-section (2) the following sub-section (2) shall be substituted, namely:—

“(2) The Chairman, and in his absence the vice-chairman, and in the absence of both any other director elected by the directors from amongst themselves, shall preside at every meeting of the Board.”; and

(b) in sub-section (3) for the words and signs “the chairman, or in his absence the person presiding;” the words and signs “the chairman, the vice-chairman or the person presiding, as the case may be,” shall be substituted,

6. In sub-section (2) of section 15 of the principal Act, after the words "delegate to" but before the words "the managing director" the words and sign "the chairman, the vice-chairman," shall be inserted.

Amendment
of section 15.

7. For the existing section 27 of the principal Act, the following section alongwith its heading shall be substituted, namely:—

Substitution
of section 27.

"27. **Charge of Corporation on debtor's property.**—Notwithstanding anything contained in any law for the time being in force, but subject to the provisions in any law made by the Parliament relating to priority of charges and to any prior claim of a bank or of the Government in respect of land revenue or any money recoverable by it as arrears of land revenue, the dues of the Corporation as determined under the preceding section of this Act together with interest accrued thereon and cost of recovery shall be the first charge on the property of the debtor and the guarantor, if any."

8. In section 36, and in its margin, of the principal Act, for the figures "1889" the figures "1899" shall be substituted.

Amendment
of section 36.

9. In clause (a) of sub-section (2) of section 38 of the principal Act, after the word "directors" but before the word "and" the words "and the vice-chairman" shall be inserted.

Amendment
of section 38.

10. The Himachal Pradesh Scheduled Castes Development Corporation (Amendment) Ordinance, 1979, is hereby repealed:

Repeal and
savings.

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 20th day of September, 1979.

STATEMENT OF OBJECTS AND REASONS

Section 27 of the Himachal Pradesh Scheduled Castes Development Corporation Act, 1979 is proposed to be amended to ensure that loans raised from banks and other financial institutions may continue to be recovered as arrears of land revenue on priority basis. As a corollary thereto it has also become necessary to define the term 'bank' in section 2. Apart from above in section 36 the figures '1889' printed inadvertently are required to be corrected as '1899'.

2. It has further been decided to make provision for the office of the Vice-chairman in the Act.

3. Since the matter was of urgent public importance and the Legislative Assembly was not in session and the circumstances existed which rendered it necessary for the Governor of Himachal Pradesh to take immediate action under clause (1) of Article 213 of the Constitution of India, to meet this emergent situation the Himachal Pradesh Scheduled Castes Development Corporation (Amendment) Ordinance, 1979 (4 of 1979) was promulgated on 20-9-79. Now this Ordinance is required to be replaced by a regular enactment.

4. In order to ensure the smooth functioning of the Corporation and the representation on the Board to all sections concerned with the economic development programmes for scheduled castes it has further been decided to increase the number of directors of the Board from 10 to 12 and reduce the number of directors to be nominated from amongst the officers serving the State Government in the Department of Welfare from 3 to 2.

This Bill seeks to replace the aforesaid Ordinance with necessary modification.

JAGDEV CHAND,
Minister-in-Charge.

SIMLA:
The 31st October, 1979.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to increase the number of directors of the Board and to provide, wherever it is expedient so to do, for the appointment of the Vice-chairman. By virtue of the provisions of sub-section (4) of section 7 of the principal Act, the directors and the Vice-chairman so appointed shall receive such remuneration as may be prescribed by rules under the Act. The expenditure to his extent is to be debited to the funds of the Corporation. The State Government may have to incur additional expenditure out of the Consolidated Fund of the State for making grants-in-aid to the Corporation for the managerial assistance. But it can not be exactly worked out that how much amount has to be spent on this account out of the State exchequer.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill seeks to amend section 38 of the principal Act to empower the State Government to make rules for prescribing the terms and conditions of appointment of the Vice-chairman and the allowances payable to him. The rules so made are to be laid on the Table of the State Legislative Assembly. This delegation is essential and normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Welfare Department File No. Kalyan-Ka(4)-13/79]

The Governor of Himachal Pradesh having been informed of the subjectmatter of the Himachal Pradesh Scheduled Castes Development Corporation (Amendment) Bill, 1979, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

STATEMENT EXPLAINING THE CIRCUMSTANCES WHICH NECESSITATED MODIFICATIONS IN THE ORDINANCE NO. 4 OF 1979

In order to ensure the smooth functioning of the Corporation and the representation on the Board to all sections concerned with the economic development programmes for scheduled castes it has been considered desirable to increase the number of directors of the Board from 10 to 12 and reduce the number of directors to be nominated from amongst the officers serving the State Government in the Department of Welfare from 3 to 2. As such amendment in sub-section(1) of section 7 has to be made. Hence the modification in the Ordinance No. 4 of 1979 as promulgated on 20-9-79 has been necessitated.

निगन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-३ द्वारा मुद्रित तथा प्रकाशित।